

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV - 5 2004
CLERK, U.S. DISTRICT COURT
By SWJ
Deputy

DEFENDANTS.

[illegible]

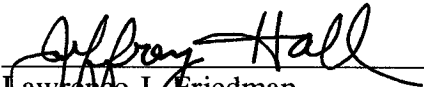
Civil Action No. 3:00-CV-1649-L

2. Plaintiff timely filed, under seal, its "Report of Plaintiff's Counsel." The Report references and relies upon substantive, extensive and detailed privileged information, including attorney-client communications, matters of trial strategy and work product. As a result (at least in part) of filing the Report, the Court declined to order further sanctions.

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3. Plaintiff and its counsel request that this Court enter an appropriate Order directing the report to be permanently maintained under seal, on the grounds that the document contains information protected by the attorney-client relationship, that no waiver has been filed, and that the privilege is not limited as to time. Release of this sensitive information to the public might well, among other things, spawn additional litigation. *Nixon v. Warner Communications, Inc.* 435 U.S.589, 598 (1978).

Respectfully submitted,

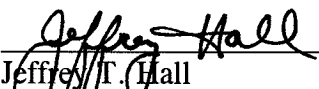


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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been forwarded to the following:

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